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REMARKS

The present invention relates to electron emitters and the fabrication of electron emitters, which may be used as X-ray sources in nanoparticle-based electron guns. Claims 1-45 are currently pending. Claims 27-40 have been withdrawn from consideration.

The Office Action states that claims 2, 19 and 23 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim one to incorporate the limitation of claim 2. Additionally, claim 16 has been amended to incorporate all of the limitations of claim 19. With these amendments, claims 1 and 16 should be allowable as they represent the rewritten forms of claims 2 and 19. Claim 23 is dependent on claim 16, and should be allowable as it now depends on an allowable claim. Claims 2 and 19 are therefore canceled without prejudice.

Claim 26 stands rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant hereby cancels claim 26, without prejudice.

Claims 1, 3, 5, 8, 10-12, 14-17, 20, 21 and 25 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Hasegawa *et al.* (US 5,912,531). Additionally, claims 1 and 16 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Laul (US 4,757,524), and claims 1, 3, 5 and 10-14 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Morimoto *et al.* (US 5,066,885).

Claims 4, 9, 18 and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hasegawa *et al.* (US 5,912,531). Claim 22 is also rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Greenwald *et al.* (US 6,661,875).

Applicant has amended claims 1 and 16 to incorporate the limitations of claims 2 and 19. With these limitations, claims 1 and 16 are in condition for allowance. The remaining claims listed above depend either from claim 1 or claim 16, and hence are also in condition for allowance. Applicant respectfully requests that the rejections for anticipation be withdrawn. Additionally, the rejections under 35 U.S.C. §103(a) should be withdrawn as the cited references, either alone or in combination, do not teach or suggest all of the claim limitations.


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The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,

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